



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
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**CITY OF SEATTLE
RECOMMENDATION AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2306340
Applicant Name: Stevan Johnson for Immunex/Amgen
Council File No: 306397
Address of Proposal: 1226 16th Avenue West

SUMMARY OF PROPOSED ACTION

Council Land Use Action to rezone approximately 297,000 square feet (6.8 acres) of land (Pier 89) from IG1 U/45 to IC-45 and IC-65. The property is bounded by West Galer Street to the north, 16th Avenue West to the west, Elliott Bay to the south, and the Immunex/Amgen site (formerly Terminal 88) to the east.

The following approvals are required:

Rezone - From IG1 U/45 to IC-65 and IC-45 – Seattle Municipal Code (SMC), Chapter 23.34

SEPA - Environmental Determination – SMC Chapter 25.05

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

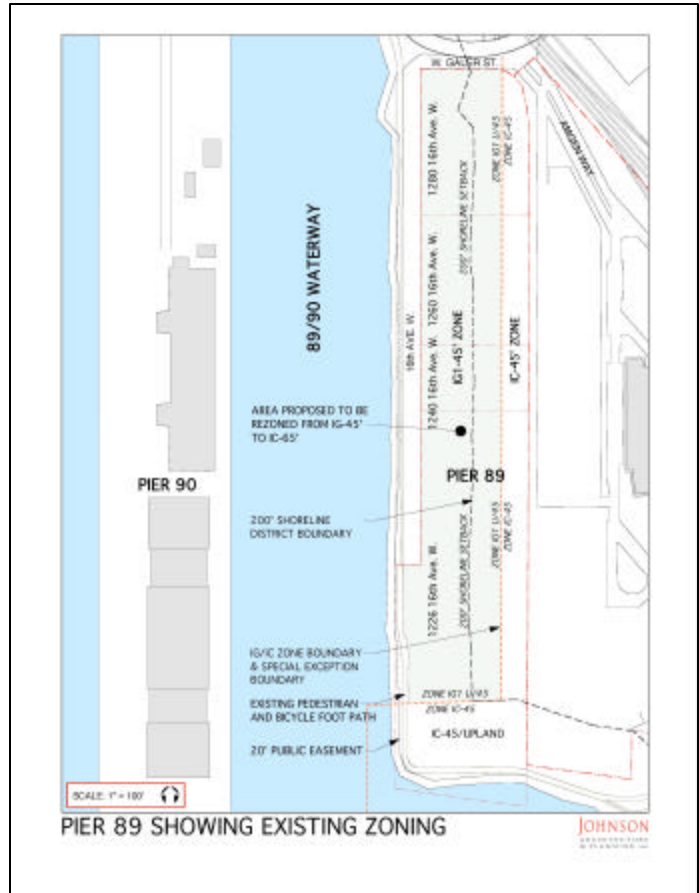
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The subject site (“the site” or “Pier 89”) is located at Pier 89 within the Ballard Interbay Northend Manufacturing and Industrial Center (“BINMIC”). The site is bounded by West Galer Street to the north, 16th Avenue West to the west, Elliott Bay to the south, and the Immunex/Amgen site (formerly Terminal 88) to the east. Elliott Bay’s Pier 89/90 waterway is located to the west of the site just beyond the 16th Avenue West right-of-way.

The site currently has multiple zone designations. The site is predominately zoned General Industrial 1 with unlimited height allowed for industrial uses as well as a base height of 45 feet for most non-industrial uses ("IG1 U/45"). Much of the IG zoned portion of the site also includes an Urban Industrial (UI) shoreline designation, as provided under SMC 23.60. For purposes of compliance with Shoreline requirements, the site is defined as an upland lot, as it is separated from Elliot Bay and the related Ordinary High Water Mark by 16th Avenue West. The southerly portion of the site, also subject to the UI shoreline designation, is zoned Industrial Commercial with a height limit of 45 feet ("IC-45"). The remaining portion of the site, currently zoned IC-45, is outside the 200 foot shoreline zone. Along with the IC-45 zone designation, the uses in this zone are eligible for a special exception that allows development up to 65 feet in height.



Access to the site is primarily provided along 16th Avenue West, via the West Galer Street flyover, and Amgen Court W (Alaskan Way W) along the site's north end to the Immunex development at Terminal 88. Rail service to Pier 89 was discontinued in 1998.

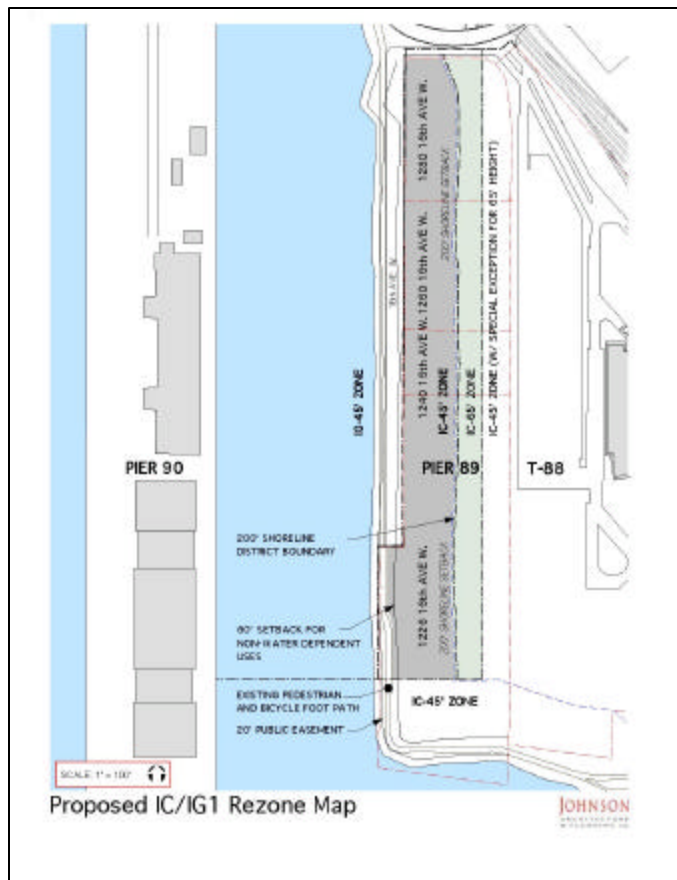
The site is currently developed with several one- and two-story buildings with established industrial and commercial uses (general manufacturing, light manufacturing, warehouse, food processing and administrative office uses); most of these buildings are vacant. No water-dependent or water-related uses appear to be currently legally established on the site. A 20-foot wide easement for pedestrian and bicycle access, the Elliott Bay Trail, is located near the site. The trail runs along the south edge of the property and along the east edge of the Pier 89/90

waterway connecting with the 16th Avenue West right-of-way. The easement connects 16th Avenue West with Myrtle Edwards Park to the east.

Proposal Description

Requested rezone from IG1 U/45 to IC-45: The applicant has requested to rezone a portion of the site from General Industrial 1 with unlimited heights for industrial uses and a base height of 45 feet for most non-industrial uses (“IG1 U/45”) to Industrial Commercial with a height limit of 45 feet (“IC-45”). This 4.4 acre portion of the site abuts the Pier 89/90 waterway and the 16th Avenue West right-of-way and is also subject to a UI shoreline environment designation. No change is proposed to the UI shoreline environment designation.

Requested rezone from IG1 U/45 to IC-65: The applicant has requested to rezone a portion of the site from General Industrial 1 with unlimited heights for industrial uses and a base height of 45 feet for most non-industrial uses (“IG1 U/45”) to Industrial Commercial with a height limit of 65 feet (“IC-65”). This 2.4 acre portion of the site is an approximately 75-foot wide by 1,500-foot long strip of land that runs north-south within the interior of the site. This portion of the site is bounded to the east by the portion of the site that is zoned IC-45 with a special exception allowing development up to 65 feet high. It is bounded to the west by the portion of the site that is within the UI shoreline environment and zoned IG1 U/45



No construction is currently proposed within the subject site.

Public Comments

The public comment period for this application ended on December 24, 2003. One comment was received after the close of the comment period requesting clarification of the comment period, timing of application review, and nature of the rezone request.

ANALYSIS - REZONE

The applicable requirements for this rezone proposal are stated in SMC Sections 23.34.007 (Rezone evaluation), 23.34.008 (General rezone criteria), 23.34.009 (Height limits of the

proposed rezone), 23.34.092 (General Industrial 1 zone, function and locational criteria), and 23.34.096 (Location criteria – Industrial Commercial zone). The zone function statements are used to assess the likelihood that areas proposed to be rezoned would function as intended.

The most reasonable order for analysis does not follow the order of section numbering. Therefore, in the following analysis, SMC 23.34.092 will be considered first because, as IG1 is the existing zoning designation, this section's analysis determines much of the resolution of the rezone request. After the IG1 zone analysis, an analysis of SMC 23.34.096 follows which evaluates specific industrial commercial considerations. This analysis is followed by discussion of SMC 23.34.008, 23.34.009; and 23.34.007.

The format of the following analysis quotes applicable portions of the rezone criteria in *italics*, followed by analysis in regular typeface.

SMC 23.34.092 General Industrial 1 (IG1) zone, function and locational criteria.

A. Function. An area that provides opportunities for manufacturing and industrial uses and related activity, where these activities are already established and viable, and their accessibility by rail and/or waterway make them a specialized and limited land resource.

Pier 89 historically provided opportunities for some manufacturing and industrial activities. However, due to a transition over the past several decades, the site's remaining industrial activities are no longer considered viable due to site configuration and changes in economic dynamics associated with linear production/industrial models. In addition, the site has no direct access to the Pier 89/90 waterway or to Elliott Bay, and rail service to the site was terminated in 1998.

B. Locational Criteria. General Industrial 1 zone designation is most appropriate in areas generally characterized by the following:

- 1. Areas directly related to the shoreline having the following characteristics:*
 - a. Suitable water access for marine industrial activity,*
 - b. Upland property of sufficient depth to accommodate industrial activity,*
 - c. An existing character established by industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;*

Historically, the subject site and related uses were characterized by industrial, warehousing, and similar uses. However, the site's suitability to these uses has declined. Pier 89 does not have a wharf which is requisite to suitable water access for marine industrial activities. In addition, some of the parcels within the Pier 89 site appear to be of insufficient size to accommodate marine industry. As previously indicated, the termination of rail service to the site has also reduced transportation options.

- 2. Areas directly related to major rail lines serving industrial businesses;*

While Pier 89 was previously served by a Burlington Northern railroad link, that connection was discontinued in 1998, and the site has been without access to major rail lines since the termination. The location of the recently-completed West Galer Street flyover has effectively prevented the re-establishment of future rail service to the site.

3. Areas containing mostly industrial uses, including manufacturing, heavy commercial, warehousing, transportation, utilities and similar activities;

Currently, the site does contain industrial and commercial uses. However, Pier 89 is isolated from other primarily industrial areas. The site is separated from other IG1-zoned land by the Pier 89/90 waterway, and the abutting property to the west has been developed with a technology-oriented business (research and development laboratory).

4. Large areas with generally flat topography;

The 11.28-acre site is generally flat with little grade change.

5. Areas platted into large parcels of land.

The site consists of five parcels that range in size from approximately one-third of an acre to five (5) acres in size. The entire 11 acre site is not subject to the rezone. The portion of the site to be rezoned is approximate 6.8 acres.

Based on the five factors listed above, the site is only marginally compatible with the function of the IG1 zone. Although the site has been historically developed with industrial uses and contains some relatively large parcels, the site has becoming increasingly less viable as an industrial area. Furthermore, the configuration of the zoning as it relates to the platting pattern makes the likely redevelopment difficult without addressing the underlying zoning.

SMC 23.34.096 Locational criteria -- Industrial Commercial (IC) zone.

The Industrial Commercial (IC) zone is intended to promote development of businesses which incorporate a mix of industrial and commercial activities, including light manufacturing and research and development, while accommodating a wide range of other employment activities. In reviewing a proposal to rezone an area to Industrial Commercial (IC), the following criteria shall be considered:

A. Areas with amenities such as shoreline views, proximity to downtown, or access to public open spaces that could provide an attraction for new businesses, particularly new technology-oriented and research and development activities which might otherwise be likely to seek locations outside the City;

Pier 89 provides shoreline views, proximity to downtown, and access to public open spaces (pedestrian and bicycle path to Myrtle Edwards and Elliott Bay Parks and Interbay) which would attract technology-oriented and research and development employment and related activities. Furthermore, the subject site abuts an existing research and development laboratory campus (Immunex) that could be attracted to expand onto the subject site if it were rezoned to Industrial Commercial.

B. Areas in close proximity to major institutions capable of providing support for new technology-oriented and research and development businesses;

The site is not within the immediate area of any Major Institution concerned with technology-oriented and research and development businesses. However, the site is approximately 2.5 miles

from the South Lake Union neighborhood, a sub area of Seattle within which significant technology oriented businesses are based.

C. Former industrial areas which are undergoing a transition to predominantly commercial or mixed commercial and industrial activity, but where transportation and/or other infrastructure capacities are constrained and can only accommodate modest growth without major improvements;

Pier 89 was previously the site of heavy industrial use when it supported the Puget Sound Naval Supply Depot (See “Zoning History and Precedential Effect” section below). Following the closure of the naval base, the site transitioned to a mix of heavy industrial, light industrial and commercial uses. Recently, the immediate area has undergone a marked transition to commercial activities due to the 29-acre Immunex campus established on abutting Terminal 88. Terminal 88 had been the site of a mix of industrial and office uses but is now developed with structures supporting research and development laboratory use. Approximately 850 jobs have been created at Immunex’s Terminal 88 location.

In addition to the area’s transition from industrial to commercial uses, the subject site is also constrained by transportation capacities. The Burlington Northern railroad link was discontinued in 1998, and the subject site does not have direct water access due to the 16th Avenue West right-of-way and the 20-foot wide pedestrian and bicycle easement that separate the site from the Pier 89/90 waterway and Elliott Bay. Elliott Ave West is a designated truck route but is not easily served by the site constraints. While rail service has terminated, re-creation of the street grid to link the area to a major arterial has not occurred.

D. Areas where there is an existing concentration of technology-oriented and research and development uses which may be subject to displacement by commercial development;

As noted above, the abutting Terminal 88 is the site of Immunex’s recently constructed research and development laboratory campus.

E. Areas which are underutilized and, through substantial redevelopment, could provide the type of campus-like environment attractive for new technology-oriented industrial and commercial development.

The subject site is underutilized for two primary reasons: (1) access from the site to the waterway is severed by the 16th Avenue West right-of-way and the pedestrian and bicycle easement and path and (2) rail service was discontinued to the site in 1998. As further evidence of the site’s underutilization, several of the existing structures that had previously housed industrial uses are now vacant. However, through substantial redevelopment, the site could be made attractive for technology-oriented business due to a proximity to downtown, the adjacency to Immunex, the presence of shoreline views, and the ready access to Myrtle Edwards and Elliott Bay Parks.

Based on the above analysis, the subject site meets all five of the location criteria for Industrial Commercial zones.

SMC 23.34.008 General rezone criteria.

A. To be approved a rezone shall meet the following standards:

1. In urban centers and urban villages the zoned capacity for the center or village taken as a whole shall be no less than one hundred twenty-five percent (125%) of the growth targets adopted in the Comprehensive Plan for that center or village.

2. For the area within the urban village boundary of hub urban villages and for residential urban villages taken as a whole the zoned capacity shall be within the density ranges established in Section A1 of the Land Use Element of the Comprehensive Plan.

This section is not applicable to the proposed rezone because the subject site is not located within an urban center or an urban village.

B. Match Between Zone Criteria and Area Characteristics. The most appropriate zone designation shall be that for which the provisions for designation of the zone type and the locational criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation.

Please refer to the preceding analysis relating to SMC 23.34.092 and SMC 23.34.096

C. Zoning History and Precedential Effect. Previous and potential zoning changes both in and around the area proposed for rezone shall be examined.

The subject site (Pier 89) was constructed through a series of landfill operations in the early 1900s. In the 1950s, Pier 89 was still a separate single wharf with the 89/90 waterway to the west and the Great Northern Waterway to the east. At that time, the pier supported the Puget Sound Naval Supply Depot which was zoned IG1.

When the naval base closed, ownership transferred to the Port of Seattle. By 1968, the Great Northern Waterway had been filled, connecting Pier 89 to adjacent Terminal 88. Since that period, the western portion of Pier 89 has been zoned IG1, and the eastern 60 feet of Pier 89 and Terminal 88 was zoned IC.

The requested rezone is unlikely to have any precedential effect. The subject site is unique in that it is an isolated area of IG1 zoning and comprises the only land between Terminal 88 and the Pier 89/90 waterway.

D. Neighborhood Plans.

1. For the purposes of this title, the effect of a neighborhood plan, adopted or amended by the City Council after January 1, 1995, shall be as expressly established by the City Council for each such neighborhood plan.

2. Council adopted neighborhood plans that apply to the area proposed for rezone shall be taken into consideration.

3. Where a neighborhood plan adopted or amended by the City Council after January 1, 1995 establishes policies expressly adopted for the purpose of guiding future rezones, but does not provide for rezones of particular sites or areas, rezones shall be in conformance with the rezone policies of such neighborhood plan.

4. If it is intended that rezones of particular sites or areas identified in a Council adopted neighborhood plan are to be required, then the rezones shall be approved simultaneously with the approval of the pertinent parts of the neighborhood plan.

The subject site is located within the Ballard Interbay Northend Industrial and Manufacturing Center (BINMIC) which has adopted a Neighborhood Plan. The BINMIC does not contain specific review requirements for rezones; however, some of the goals of the plan apply to the requested rezone from IG1 to IC. One of these goals is to promote water-dependent and industrial uses and the creation of new jobs within the plan's boundaries (2002 BINMIC, B1-P12, B1-P1). In addition, the plan encourages marine/fishing, high tech, and small manufacturing uses (2002 BINMIC, B1-P8).

The requested rezone would not impact the site's ability to support water-dependent or industrial uses. First, a portion of the subject site has been classified as an upland lot in the City's Shoreline code (SMC 23.60) and is not supportive of water-dependent uses. The site is separated from the Pier 89/90 waterway by the 16th Avenue West right-of-way and a 20-foot wide pedestrian and bicycle easement that runs south from the edge of the right-of-way and across the south edge of the site, further limiting the ability for water-dependant uses to locate at this site. Furthermore, the requested rezone from IG1 to IC would still allow industrial uses to be established on the site. With the exception of heavy manufacturing, railroad switchyards with mechanized hump, power plant, salvage yard, and hospital uses, the Industrial Commercial zone generally allows the same uses as the General Industrial 1 zone. Finally, the underlying UI shoreline zone designation places limitations on some of the uses that would normally be permitted. Therefore, the requested rezone would not adversely impact the site's ability to support water-dependent or industrial uses.

In addition, the rezone to IC would allow expansion of high tech uses (research and development laboratory) that have recently been established in the immediate vicinity. Such expansion would facilitate the BINMIC's goals of local job creation.

E. Zoning Principles. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions or buffers, if possible. A gradual transition between zoning categories, including height limits, is preferred.

2. Physical buffers may provide an effective separation between different uses and intensities of development. The following elements may be considered as buffers:

a. Natural features such as topographic breaks, lakes, rivers, streams, ravines and shorelines;

b. Freeways, expressways, other major traffic arterials, and railroad tracks;

c. Distinct change in street layout and block orientation;

d. Open space and greenspaces;

3. Zone Boundaries

a. In establishing boundaries the following elements shall be considered:

(1) Physical buffers as described in subsection E2 above;

(2) Platted lot lines.

b. Boundaries between commercial and residential areas shall generally be established so that commercial uses face each other across the street on which they are located,

and face away from adjacent residential areas. An exception may be made when physical buffers can provide a more effective separation between uses.

The requested rezone is from a more intensive industrial zone (Industrial General 1) to the next less intensive industrial zone (Industrial Commercial). Therefore, no additional transition or buffer between the subject site and abutting properties would be warranted. In addition, the requested rezone represents a gradual transition in height limits because the rezone would set a height limit of 45 feet within the shoreline environment (and subject to the base UI height limit of 35 feet) before increasing to a height limit of 65 feet which coincides with the site's easterly zoning of IC-45 with a special exception to allow 65-foot high development.

The shoreline environment is a natural boundary for the rezone. The proposed westerly limit of the request rezone runs along the ordinary high water mark of the Pier 89/90 waterway.

Although the requested rezone does not generally follow platted lot lines, it respects the sensitivity of the shoreline environment: the request would rezone the portion of the site outside of the shoreline environment to IC with a height limit of 65 feet but would only rezone the portion of the site within the UI shoreline environment to IC with a height limit of 45 feet. The requested rezone does not involve commercial or residential areas.

F. Impact Evaluation. The evaluation of a proposed rezone shall consider the possible negative and positive impacts on the area proposed for rezone and its surroundings.

- 1. Factors to be examined include, but are not limited to, the following:*
 - a. Housing, particularly low-income housing;*

Both the IG1 and IC zones generally do not permit residential uses.

- b. Public services;*

No construction is currently proposed; however, it is unlikely that a rezone to IC would impact the availability of public services in the area. Although hospital uses are only permitted in existing buildings in IC zones (and permitted outright in IG1 zones), the recent pattern of development suggests that the establishment of a hospital at Pier 89 is unlikely.

- c. Environmental factors, such as noise, air and water quality, terrestrial and aquatic flora and fauna, glare, odor, shadows, and energy conservation;*

Although no construction is proposed under the rezone request, the IC zone is a slightly less intensive zone than IG1. Specifically, the IC zone is more restrictive than the IG1 zone for the following uses: heavy manufacturing, railroad switchyards with mechanized hump, power plants, salvage yards, and hospitals. Therefore, any future proposed construction under the IC zone could have less impact on the environment than if the site remained zoned IG1. There is also a presumption of less intensive uses due to the Shoreline zone designation.

- d. Pedestrian safety;*

No construction is currently proposed, and there is no indication that development of the site under IC zoning would create any adverse impacts on pedestrian safety that the IG1 zoning would not have created.

e. Manufacturing activity;

Uses permitted by the IC zone are very similar to those permitted by the IG1 zone; however, the IC zone does restrict some of the most intensive uses such as heavy manufacturing. Therefore, the rezoning could discourage some manufacturing activities on Pier 89.

f. Employment activity;

As discussed above, the site has experienced a decline in industrial viability. A rezoning to IC could attract additional technology-oriented and research and development laboratory businesses to the area that would increase local employment.

g. Character of areas recognized for architectural or historic value;

Neither the site nor its immediate vicinity has been recognized for architectural or historic value. Due to the age of the structures, later referral to the Department of Neighborhoods will occur at the time of any redevelopment to ensure compliance with the City's SEPA Landmark policies.

h. Shoreline view, public access and recreation.

The requested rezoning would not negatively affect the 20-foot pedestrian and bicycle easement that currently provides public access and recreation along the shoreline. In addition, a rezoning to IC would prohibit some heavy industrial activities that might have restricted public access to the water.

Existing development on Terminal 88 blocks views of the water from the Queen Anne neighborhood (as evaluated from the 8th Avenue promenade on Queen Anne) to the extent that only a narrow window of the waterway is visible from Queen Anne. The proposed rezoning would allow structures up to 20 feet higher, if subject to the requested 65-foot height limit compared to the existing 45-foot height limit. However, the view of the water has already been significantly blocked, and the additional proposed height limit would only nominally impact the view. In addition, structures located within the UI shoreline environment would be subject to a 35-foot base height limit regardless of whether the underlying zone changes.

2. Service Capacities. Development which can reasonably be anticipated based on the proposed development potential shall not exceed the service capacities which can reasonably be anticipated in the area, including:

a. Street access to the area;

The proposed rezoning would not affect street access in the area. The recently-completed West Galer Street flyover has resulted in improved access to the site and would not be impacted by the rezoning.

b. Street capacity in the area;

No construction is proposed under this rezone request; therefore, street capacity would not be impacted. Furthermore, the IC zone would allow uses and, therefore, impacts that are similar to those permitted by the IG1 zone.

c. Transit service;

No construction is proposed under this rezone request; therefore, transit service would not be impacted. Furthermore, the IC zone would allow uses and, therefore, impacts that are similar to those permitted by the IG1 zone.

d. Parking capacity;

No construction is proposed under this rezone request; therefore, parking capacity would not be impacted. Furthermore, the IC zone would allow uses and, therefore, impacts that are similar to those permitted by the IG1 zone.

e. Utility and sewer capacity;

No construction is proposed under this rezone request; therefore, utility and sewer capacity would not be impacted. Furthermore, the IC zone would allow uses and, therefore, impacts that are similar to those permitted by the IG1 zone.

f. Shoreline navigation.

No construction is proposed under this rezone request; therefore, shoreline navigation capacity would not be impacted. Furthermore, the IC zone would allow uses and, therefore, impacts that are similar to those permitted by the IG1 zone.

G. Changed Circumstances. Evidence of changed circumstances shall be taken into consideration in reviewing proposed rezones, but is not required to demonstrate the appropriateness of a proposed rezone. Consideration of changed circumstances shall be limited to elements or conditions included in the criteria for the relevant zone and/or overlay designations in this chapter.

As discussed above in the sections on IG1 and IC locational criteria, the subject site has experienced changed circumstances that would justify a rezone from IG1 to IC. First, the viability of Pier 89 as a location for marine industrial uses has declined due to discontinued rail service and separation of the site from direct water access. In addition, the immediate vicinity has undergone a recent transition from industrial development to technology-oriented and research and development laboratory businesses, uses that are anticipated by the IC locational criteria.

H. Overlay Districts. If the area is located in an overlay district, the purpose and boundaries of the overlay district shall be considered.

The site is located within two overlay districts: an Urban Industrial shoreline environment and an Airport Height Overlay District. The purpose of the Seattle Shoreline Master Program is to protect shoreline ecosystems; encourage water-dependent uses; provide for maximum public use

and enjoyment of the shorelines; and preserve, enhance and increase views of the water and access to the water (SMC 23.60.002). First, no construction is proposed with the rezone; therefore, there would be no impact on shoreline ecosystems. Second, as discussed above, the requested rezone would have little impact on the encouragement of water-dependent uses because the subject site has no water access. Third, the existing 20-foot wide bicycle and pedestrian easement that connects the site to Myrtle Edwards Park would not be impacted by the rezone. Fourth, the bicycle and pedestrian easement would continue to provide access to the water. Although height limits within the UI shoreline environment would not be affected by the rezone, the portion of the site that would be rezoned from IG1 U/45 to IC-65 could result in impacts to views of the water. Finally, the boundaries of the shoreline environment would not be affected by the rezone.

The purpose of the Airport Height Overlay District is to “ensure safe and unobstructed takeoff and landing approach paths to King County International Airport (Boeing Field)” (SMC 23.64.002). The site of the requested rezone is within the Outer Approach Area which imposes height limits on development; however, the Outer Approach Area height limit within the subject site is approximately 800 feet above the land surface. Therefore, the rezone from IG1 U/45 to IC-65 would not have an impact on the Airport Height Overlay District. The boundaries of the Airport Height Overlay District would not be affected.

I. Critical Areas. If the area is located in or adjacent to a critical area (SMC Chapter 25.09), the effect of the rezone on the critical area shall be considered.

The project site is mapped as a liquefaction-prone Environmentally Critical Area (ECA) with adjacent submerged lands regulated as Fish and Wildlife areas under the ECA ordinance. Pier 89 (and abutting Terminal 88) contains fill materials which makes the site generally susceptible to liquefaction. Because no construction is associated with the rezone request, there would be no impact to the liquefaction-prone ECA due to the rezone itself. Future construction permits would likely require additional geotechnical analysis whether the property remained IG1 or was rezoned to IC. Therefore, the rezone would not have a negative effect on the liquefaction-prone ECA. A Steep Slope is also located west of the 16th Avenue West right of Way up to and including the Ordinary High Water Mark. Any future construction permits affecting this area would be required to comply with applicable ECA standards and the Seattle Shoreline Master Program (SMC Chapter 23.60) whether the property remained IG1 or was rezoned to IC. Therefore, the rezone would not have a negative effect on the steep slope ECA.

SMC 23.34.009 Height limits of the proposed rezone.

Where a decision to designate height limits in Neighborhood Commercial or Industrial zones is independent of the designation of a specific zone, in addition to the general rezone criteria of Section 23.34.008, the following shall apply:

A. Function of the Zone. Height limits shall be consistent with the type and scale of development intended for each zone classification. The demand for permitted goods and services and the potential for displacement of preferred uses shall be considered.

No construction is currently proposed on the subject site. However, the IC zone does permit a broad range of commercial and industrial uses. A height limit of 65 feet provides adequate flexibility to attract a variety of businesses to the site. Moreover, an increased height limit from

45 feet to 65 feet would be unlikely to displace preferred uses because several of the industrial buildings on the site are currently vacant. The height limitations in the UI shoreline environment will not be modified as a result of the rezone request.

B. Topography of the Area and its Surroundings. Height limits shall reinforce the natural topography of the area and its surroundings, and the likelihood of view blockage shall be considered.

The site is generally flat. The existing research and development laboratory campus at Terminal 88 has been developed to 65-foot height limits. This development has nearly entirely blocked views of the water from Queen Anne Hill above. Therefore, an increased height limit on the subject site from 45 feet to 65 feet would be unlikely to result in additional view blockage. The height limits associated with the UI shoreline environment will not be modified with this request. The height limits associated with the shoreline designation provide a setback in height as development nears the water.

C. Height and Scale of the Area.

1. The height limits established by current zoning in the area shall be given consideration.

2. In general, permitted height limits shall be compatible with the predominant height and scale of existing development, particularly where existing development is a good measure of the area's overall development potential.

Current zoning in the area includes established height limits of 45 and 65 feet. In addition, lands located within the UI shoreline environment are subject to that environment's base height limit of 35 feet.

The proposed 65-foot height limit of the portion of the site that is located outside of the shoreline environment is an appropriate reflection of potential development. As discussed, the abutting Terminal 88 has been developed with a research and laboratory development campus (Immunex). It is likely that additional research and development laboratory uses would be attracted to the subject site if it were rezoned to Industrial Commercial. The nearly universal design of modern laboratories includes a minimum of three stories of laboratory functions in addition to a full floor of mechanical equipment and basement space for housing mechanical and support equipment. This typical design yields a structure that exceeds the site's current height limit of 45 feet. Without a height limit allowing structures up to 65 feet in height, the site's development potential will likely not be realized.

Finally, the 45-foot height limit proposed within the site's UI shoreline environment (requested rezone: IG1 U/45 to IC-45) is consistent with this area's development potential. The UI shoreline environment establishes a base height limit of 35 feet. 45 feet is the lowest height limit that can be set for an IC zone; therefore, it is the most appropriate height limit for the rezone to Industrial Commercial within the shoreline environment.

D. Compatibility with Surrounding Area.

1. Height limits for an area shall be compatible with actual and zoned heights in surrounding areas excluding buildings developed under Major Institution height limits; height limits permitted by the underlying zone, rather than heights permitted by the Major Institution designation, shall be used for the rezone analysis.

2. A gradual transition in height and scale and level of activity between zones shall be provided unless major physical buffers, as described in Subsection 23.34.008.D2, are present.

The applicant has requested a rezone that includes a gradual transition in height. For the portion of the site that is located within the UI shoreline environment, the proposed height limit would remain 45 feet. Only the zoning designation would change from IG1 to IC. Outside of the shoreline environment, the requested rezone would increase height limits from 45 feet to 65 feet (requested rezone: IG1 U/45 to IC-65). The 65-foot height limit corresponds to abutting property to the east which is zoned IC-45 but received a special exception to develop to a height of 65 feet.

Land to the west of the site is subject to a height limit of 45 feet but is separated from Pier 89 by the Pier 89/90 waterway which qualifies as a major physical buffer (shoreline). The height limitations on uses within the UI environment also serves to create a stepping up of height and scale as well.

E. Neighborhood Plans.

1. Particular attention shall be given to height recommendations in business district plans or neighborhood plans adopted by the City Council subsequent to the adoption of the 1985 Land Use Map.

2. Neighborhood plans adopted or amended by the City Council after January 1, 1995 may require height limits different than those that would otherwise be established pursuant to the provisions of this section and Section 23.34.008.

These criteria do not apply because the BINMIC plan does not reference height limits within the subject site.

SMC 23.34.007 Rezone evaluation.

A. The provisions of this chapter shall apply to all rezones except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone or height designation best meets those provisions. In addition, the zone function statements, which describe the intended function of each zone designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

C. Overlay districts established pursuant to neighborhood plans adopted by the City Council may be modified only pursuant to amendments to neighborhood plans adopted or amended by the City Council after January 1, 1995.

D. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the Purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Area Objectives shall be used in shoreline environment re-designations as provided in SMC Subsection 23.60.060 B3.

E. Provisions of this chapter that pertain to areas inside of urban centers or villages shall be effective only when a boundary for the subject center or village has been established in the Comprehensive Plan. Provisions of this chapter that pertain to areas outside of urban villages or outside of urban centers shall apply to all areas that are not within an adopted urban village or urban center boundary. This subsection does not apply to the provisions of other chapters including, but not limited to, those which establish regulations, policies, or other requirements for commercial/mixed use areas inside or outside of urban centers/villages as shown on the Future Land Use Map.

F. The procedures and locational criteria for shoreline environment re-designations are located in Sections 23.60.060 and 23.60.220 respectively.

G. Mapping errors due to cartographic or clerical mistakes may be corrected through process required for Type V Council land use decisions in SMC Chapter 23.76 and do not require the evaluation contemplated by the provisions of this chapter.

The above rezone analysis considered all of the foregoing criteria. A balancing of the characteristics of the site with the locational criteria of the IG1 and the IC zones indicates that the proposed Industrial Commercial zone would be a more suitable zoning designation for the property than the existing IG1 zone.

Summary:

Based on balancing the locational criteria of the two zones, the subject site is more compatible with the Industrial Commercial zone than with the General Industrial 1 zone. Furthermore, the proposed 45-foot and 65-foot height limits comply with the criteria for establishing height limits in industrial zones.

RECOMMENDATION - REZONE

Based on the above analysis, the Director recommends that the proposed rezone to IC-45 and IC-65 be **APPROVED**.

RECOMMENDED CONDITIONS - REZONE

None.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 3, 2003, and annotated by this Department. Information in the checklist, supplemental information provided by the applicant (plans, rezone application), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

As a non-project action, the proposed rezone would not have any short-term impacts on the environment. Future development affected by this legislation and subject to SEPA would be required to address anticipated short-term impacts on the environment.

Long-term Impacts

The proposal to rezone the subject parcel from IG1 U/45 to IC-45 and IC-65 is not expected to generate any significant adverse impacts. The IC zone will restrict the site from some intense uses (such as heavy manufacturing, power plants, and salvage yards) that the current designation of IG1 zone allows. Further, the UI shoreline designation, which will not be revised as a result of this rezone, provides further prohibitions and limitations on industrial and certain commercial uses. Although an additional 20 feet of height would be allowed for a portion of the subject site, a study analyzing views from the 8th Avenue promenade on Queen Anne indicates that the views of the water have already been blocked by existing development on Terminal 88. Therefore, the potential 65-foot height of future development on Pier 89 would have no significant impacts.

Finally, other specific long-term impacts would be evaluated for any future construction that exceeds SEPA thresholds. Therefore, long-term impacts associated with the non-project rezone are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

None.

RECOMMENDED CONDITIONS - REZONE

None.

Signature: _____ (signature on file) Date: July 1, 2004
Michael L. Jenkins
Senior Land Use Planner
Land Use Services

MLJ:bg

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